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**OFFICE OF PETITIONS**

In re Application of  
Donald J. Macleod et al.  
Application No. 09/631,438  
Filed: August 2, 2000  
Attorney Docket No. A-59709-3/JAS  
Title: METHOD TO REDUCE TORQUE  
RELATED AUDIBLE NOISE FOR  
SPINDLE MOTOR

DECISION GRANTING  
PETITION UNDER 37 C.F.R. §1.137(b)

This is a decision on the petition filed June 27, 2003, pursuant to 37 C.F.R. §1.137(b)<sup>1</sup>, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. §1.113 in a timely manner to the final Office action mailed October 21, 2002, which set a shortened statutory period for reply of three (3) months. On March 18, 2003, an amendment was received, along with a three-month extension of time, along with a two-month extension of time. On July 31, 2003, an advisory action was mailed, indicating that the amendment failed the place the application in condition for allowance. No further extensions of time were received. Accordingly, the above-identified application became abandoned on March 22, 2003.

With the instant petition, petitioner has filed the petition fee, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 as well as the associated fee, and has made the proper statement of unintentional delay. The RCE has been accepted as the required reply under

<sup>1</sup> A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

37 C.F.R. §1.137(b)(1). The amendment, previously filed on March 18, 2003, shall serve as the required submission.

As such, the petition is **GRANTED**.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

After this decision is mailed, the application will be forwarded to Technology Center 2800 for consideration of the submission under 37 C.F.R. §1.114, the previously filed amendment.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



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